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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,531	02/22/2002	Lloyd Wass	104671	1059

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EXAMINER

RIVELL, JOHN A

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/081,531	Applicant(s) WASS ET AL.	
	Examiner John Rivell	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/05 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-10 and 19-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10 and 19 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 16, 2005 has been entered.

Claims 2-5 and 11-18 have been canceled. New claims 19-21 have been added. Thus claims 1, 6-10 and 19-21 are pending.

Replacement sheets, including figures 20 and proposed 22 were received on September 26, 2005. The replacement sheet of figure 20 is acceptable. The replacement sheet of proposed figure 22 is not acceptable because the figure is not labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the poppet" in lines 2-3. In view of there being previously recited a "first poppet" and a "second" poppet" the recitation noted above is indefinite as having no antecedent basis. The claim is rejected below as if the recitation read -- the second poppet --. The same is true in claim 10, line 20, and claim 10 is treated below in the same manner. Claim 9 is included here due to dependency.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 19 are rejected under 35 U.S.C. §102 (b) as being anticipated by Fort.

In claim 1, the recitation "for use in exhausting over-pressure in an inflatable device as well as topping off or inflating the inflatable device" is a statement of intended use bearing no patentable weight.

The patent to Fort discloses a "pressure relief and topping valve... comprising: a valve body (16) having a fluid passage therein with an internal shoulder (20); a first poppet (28) having a seal (generally at 52, see fig. 3) seated into a recessed seat (at 82, 72, 70) therein and biased against the internal shoulder (20) by a first spring (30) that operates independently, the first poppet (28) and seal (52) having an aperture (the "hole" accommodating the second valve 42) therein; a second poppet (42) biased into the aperture against the seal (52 at 56) by a second spring (46) that operates independently from the first spring (30); in which the seal (52) comprises an axially directed seating surface (at 54, see fig. 3) for sealable seating against the internal shoulder (20) when the first poppet (28) is biased against the internal shoulder (20), and a radially inwardly directed sealing shoulder (at 56) for sealable seating against the second poppet (42) when the second poppet (42) is biased into the aperture by the second spring (46)" as recited in claim 1.

Fort also discloses a "bi-directional valve comprising: (a) a valve body (16) comprising a radially inwardly directed shoulder (20) and defining a fluid passage; (b) a first poppet (28) biased toward the shoulder (20) by a first spring (30) and comprising a recessed seat (82, 74, 70) circumferentially surrounding an aperture (accommodating the second valve 42); (c) a second poppet (42) biased toward the aperture by a second spring (46); and (d) a seal (52) seated into the recessed seat, comprising an axially

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directed first surface (at 54) for sealing the first poppet (28) against the shoulder (20), and a radially inwardly directed second surface (at 56) for sealing the second poppet (42) within the aperture" as recited in claim 19.

Regarding applicants remarks as they may apply to the above, the seal extension at 56 is considered to extend "radially inwardly" which will provide for a reduced profile as well as rapid opening as recited in the claims, and argued in the response of September 16, 2005.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fort in view of Bowen.

The patent to Fort discloses all the claimed features with the exception of having "the first poppet further including a plurality of outward stops extending from the poppet and defining air flow passages therebetween.

The patent to Bowen discloses that it is known in the art to employ, on a bi-directional check valve device, a "first poppet (A, C) further including a plurality of

outward stops (B) extending from the poppet and defining air flow passages therebetween” for the purpose of strictly guiding the poppet valve A in reciprocation within the passage in which the valve A reciprocates while permitting fluid flow across the valve A.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Fort a plurality of “stops” radially extending from the periphery of valve 30, including fluid flow passages between the stops, for the purpose of strictly guiding the poppet valve 30 in reciprocation within the passage 11 in which the valve 30 reciprocates while permitting fluid flow across the valve 30 as recognized by Bowen.

Regarding claim 7, in Fort, “the first spring (30) is positioned between the first poppet (28) and a first spring retainer (cap 24) for biasing the first poppet (28) against the shoulder (20)” as recited.

Regarding claim 8, in Fort, “the second poppet (42) includes a stem (36) extending to a head (42) with a neck therebetween, where the poppet (42) seats within the poppet (28) aperture and selectively against the seal (at 56)” as recited.

Regarding claim 9, in Fort, “the second spring (46) is positioned between the first poppet (28) and a second spring retainer (38) for biasing the second poppet (42) against the seal (at 56)” as recited.

Regarding claim 10, the limitations recited therein are believed met by the features contained in the device of the proposed combination of Fort and Bowen.


Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
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j.r.